

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Robert M. Vidlund et al.

Docket No.: MYO1002US

Anticipated Classification of this

application: Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior Application: 10/410,279

Examiner:

Group Art Unit:

For: ENDOVASCULAR SPLINTING DEVICES AND METHODS

**CONTINUATION APPLICATION UNDER**  
**37 C.F.R. § 1.53(b) TRANSMITTAL**

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This is a request for the filing under 37 C.F.R. § 1.53(b) of a ☒ continuation, ☐ divisional, ☐ continuation-in-part of pending prior U.S. Patent Application Serial No. 10/410,279, filed April 10, 2003, now pending, which is a continuation of 09/679,550 filed October 6, 2000, now U.S. Patent No. 6,616,684, issued September 9, 2003, entitled ENDOVASCULAR SPLINTING DEVICES AND METHODS and naming as inventors Robert M. Vidlund having an address of 1811 Kennard Street, Maplewood, Minnesota 55109; Marc A. Simmon having an address of 11177 165<sup>th</sup> Avenue SE, Becker, Minnesota 55308; Todd J. Mortier having an address of 3008 Colfax Avenue South, Minneapolis, Minnesota 55408; Cyril J. Schweich, Jr. having an address of 1685 Hillcrest Avenue, St. Paul, MN 55116; Peter T. Keith having an address of 1477 Grantham Street, St. Paul, MN 55108; Richard F. Schroeder having an address of 5497 East Danube Road, Fridley, Minnesota 55432; and Jason Kalgreen having an address of 14820 39<sup>th</sup> Avenue North, Plymouth, Minnesota 55448.

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**Certificate of Express Mailing (37 C.F.R. § 1.10)**

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. EV 398760559 US in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date:

*December 12, 2003*

Signature:

*Jodi Jung*

Name: Jodi Jung

22390 U.S. PTO  
10/735269  
121203

1. ☒ Enclosed are 34 pages of specification, 4 pages of claims (33 claims), 1 page of abstract, and 25 pages of drawings (FIGS. 1 to 38) and return addressed stamped postcard itemizing same.
- 2a. ☐ Enclosed is a copy of an executed Declaration and Power of Attorney (2 pages) from the parent application.
- 2b. ☐ Enclosed is an executed Revocation of Former Powers of Attorney, New Power of Attorney by Assignee of Entire Interest, and Change of Correspondence Address (2 pages).
3. ☒ Incorporation by Reference. The entire disclosure of the prior Application No. 10/410,279, filed April 10, 2003, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference.
4. ☒ Applicants claim small entity status.
5. ☒ The filing fee is calculated below.

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee \$385.00
Total Claims	33-20	13	X	\$9.00	\$117.00
Independent Claims	2-3	0	X	\$43.00	0
Multiple Dependent Claims	0	0	X	\$145.00	0
Total					\$502.00

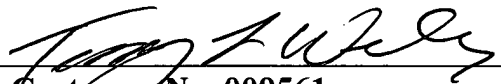
6. ☐ The Commissioner is hereby authorized to charge any deficiency in fees which may be required, or credit any overpayment to Deposit Account No. 16-2312. A duplicate copy of this sheet is enclosed for that purpose.

7. ☐ A check in the amount of \$502.00 is enclosed to cover the filing fee.
8. ☒ 25 sheets of formal drawings are enclosed (FIGS. 1 to 38).
9. ☒ The Assignment records in the Patent and Trademark Office indicate that the parent application 09/679,550 is assigned to Myocor, recorded at reel 013938, frame 0444.
10. ☒ Address all future communications to:  
**Customer No. 009561**  
Popovich, Wiles & O'Connell, PA  
650 Third Avenue South, Suite 600  
Minneapolis, MN 55402
11. ☐ An Information Disclosure Statement (\_\_\_ pages), two copies of Form PTO-1449 (\_\_\_ pages) and copies of cited references (\_\_\_ documents) are enclosed.
12. ☒ A Preliminary Amendment (2 pages) is enclosed.

Respectfully submitted,

Date: 12/12/03

By



**Customer No. 009561**

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